

REMARKS/ARGUMENTS

The claims have been divided into Groups as follows:

- Group I:        Claims 1-14, 19 and 20, drawn to a composite structure.
- Group II:       Claims 15-18, drawn to a method for producing a composite adsorbent.

Additionally, the following species have been identified:

Group I contains the following species:

- (A)    The plastic powder adhered only to the particulate compound (claims 1, 3-7, 9-13, 19 and 20).

Species A contains three subspecies where the particulate compound is:

- (i)     an ion exchange
  - (ii)    a titanosilicate based compound
  - (iii)   an aluminosilicate based compound
- (B)    The plastic powder adhered to both the particulate compound and the adsorptive substance (claims 2 and 8).
- (C)    The plastic powder adhered to a particulate compound without the addition of an adsorptive substance (claim 14).

Group II contains the following species:

- (A)    A mixture of particulate compound and plastic powder being heated, cooled, sieved and then mixed with an adsorptive substance (claims 15 and 16).
- (B)    A mixture of particulate compound, plastic powder and adsorptive material being heated, cooled, crushed and sieved (claims 17 and 18).

Applicants elect, with traverse, Group I, Claims 1-14, 19 and 20 (drawn to a composite structure), for examination.

Applicants also elect for examination purposes only, and without traverse, the following specie and sub-specie:

Specie A - where the plastic powder is adhered only to the particulate compound (claims 1, 3-7, 9-13, 19 and 20);

Sub-specie (ii) - a titanosilicate based compound.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion in regard to patentable distinction (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other group specifically describing special technical features in each group (MPEP § 1893.03(d)).

The Office has asserted that Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: “Group I recites the special technical feature being the plastic powder adhered to a particulate compound. Group II recites the special technical feature being the heating of the particulate compound and the plastic powder and cooling the mixture”.

Annex B of the Administrative Instructions under the PCT at (b) Technical Relationship states:

“The expression “special technical features” is defined in Rule 13.2 as meaning those technical features that defines a contribution which each of the inventions, considered as a whole, makes over the prior art. The determination is made on the contents of the claims as interpreted in light of the description and drawings (if any).”

Applicants respectfully submit that the Examiner has not provided any indication that the contents of the claims *interpreted in light of the description* was considered in making the assertion of a lack of unity and therefore has not met the burden necessary to support the assertion.

Furthermore, Group II recites “muting a particulate compound and a plastic powder together” which would give you the “plastic powder adhered to a particulate compound” of Group I. Therefore, Applicants point out 37 C.F.R. § 1.475(b) which states in pertinent part:

“An international or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories:

(1) A product and a process specially adapted for the manufacture of said product; . . .”

In addition, The MPEP §806.03 states:

“Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of an invention, restriction therebetween should never be required. This is because the claims are not directed to distinct inventions; rather they are different definitions of the same disclosed subject matter, varying in breadth or scope of definition.”

Applicants respectfully submit that the Office has not considered the relationship of the inventions of Groups I and II with respect to 37 C.F.R. § 1.475(b)(1) and MPEP §806.03.

Therefore the burden necessary according to MPEP § 1893.03(d) to sustain the conclusion that the groups lack of unity of invention has not been met.

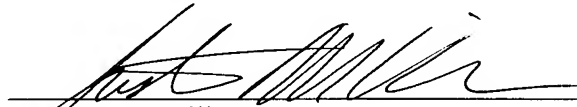
Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction.

Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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